

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COMERICA BANK,
a Michigan Banking Corporation,

Plaintiff,

vs.

FIRST AMERICAN TITLE INSURANCE
COMPANY, a subsidiary of FIRST
AMERICAN CORPORATION, a foreign
corporation, doing business in Michigan,

Defendants.

U.S.D.C. CASE NO. 04-73684

Hon. John Corbett O'Meara

Magistrate Judge Wallace Capel

SIMON, GALASSO & FRANTZ, P.L.C.
Attorneys for Plaintiff Comerica Bank
Steven A. Morris P59497
363 W. Big Beaver Road, Suite 300
Troy, MI 48084
(248) 720-0290
(248) 720-0291 fax

RICHARD G. SZYMCZAK P29230
PLUNKETT & COONEY, P.C.
Attorney for Defendant
Plaza One Financial Center
111 E. Court Street, Suite 1B
Flint, MI 48502
(810) 342-7007
(810) 232-3159 fax

ORDER FOR SUMMARY JUDGMENT

“At a session of the U.S. District Court for the Eastern District,
Southern Division, held in the State of Michigan, County of Washtenaw,
City of Ann Arbor, on: January 27, 2006.”

PRESENT: JOHN CORBETT O'MEARA, U.S. District Court Judge

The court having reviewed the motions and briefs filed by the parties through their
counsel, having heard the argument of counsel and otherwise being fully advised in the
premises;

IT IS HEREBY ORDERED that Plaintiff, Comerica Bank's complaint shall be dismissed without prejudice for the reasons set forth by the court on the record.

IT IS SO ORDERED.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: January 27, 2006

APPROVED AS TO FORM:

s/Steven A. Morris
STEVEN A. MORRIS (P59497)
Simon, Galasso & Frantz, PLC
Attorney for Plaintiff
363 W. Big Beaver Road, Ste. 300
Troy, MI 48084
(248) 720-0290
smorris@sgfattorneys.com
Dated: 1-27-06

s/Richard G. Szymczak
RICHARD G. SZYMCZAK (P29230)
Attorney for Defendant
Plunkett & Cooney, P.C.
Plaza One Financial Center
111 E. Court Street, Suite 1B
Flint, MI 48502
(810) 342-7007
rszymczak@plunkettcooney.com
Dated: 1-27-06